

FISCAL NOTE

HB 3233 - SB 3382

February 25, 2008

SUMMARY OF BILL: Creates four new felony charges for violations of the "move over law", as it applies to approaching authorized emergency vehicles, when such violations result in others being placed in imminent danger of death, others having been seriously injured, or others being killed. Increases the fines for second and third or subsequent violations of the "move over law."

ESTIMATED FISCAL IMPACT:

Increase State Revenue - \$10,500

**Increase State Expenditures - \$17,500/ One-Time
\$192,600/Incarceration***

Increase Local Revenue – Not Significant

Increase Local Expenditures – Not Significant

Assumptions:

- Based on information provided by the Department of Safety and the Department of Corrections (DOC), the additional number of convictions for violations of the move over law is estimated to be 25 (17 for second time offenses and eight for third time offenses).
- These offenders will be charged with reckless endangerment with a deadly weapon, a Class E felony, rather than reckless endangerment, a misdemeanor.
- According to DOC, each offender is estimated to serve 0.3 years (109.58 days).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6 percent over the next 10 years. Population growth would result in three additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 28 total offenders. According to DOC, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 0.3 years is \$6,879.43 (\$62.78 x

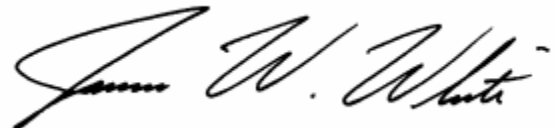
109.58 days). The total additional operating cost for 28 offenders is \$192,624 (\$6,879.43 x 28).

- Average fine under current law is estimated to be \$150.
- Average fine for second offenses is estimated to be \$550 under this bill.
- Average fine for third and subsequent offenses is estimated to be \$1,050 under this bill.
- 25% will not pay fines due to indigence.
- 100 percent of fines for reckless driving charges goes to the state.
- The increase of fine revenue is estimated to be \$10,500 $\{[(17 \times \$400 \text{ increase}) + (8 \times \$900 \text{ increase})] \times 75\% = \$10,500\}$ per year.
- According to DOS, the department will have to modify five computer programs as a result of this bill (batch history, on-line history, batch MVR, on-line MVR, and Law Enforcement [TIES]). Such one-time state expenditures are estimated to be \$17,500 (or \$3,500 per system).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/rnc